

RICHARD T. BISSEN, JR.
Mayor

VICTORIA J. TAKAYESU
Corporation Counsel

MIMI DESJARDINS
First Deputy

LYDIA A. TODA
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808)270-7740

MEMO TO: Maui County Council - BFED Committee
Yuki Lei K. Sugimura, Chair

FROM: Kristie M. Wrigglesworth, Deputy Corporation Counsel

DATE: February 12, 2026

SUBJECT: BFED-20(24) Bill 4 (2026) Amending Fiscal Year 2026 Budget
for Grant to Lahaina Community Land Trust and Use of
Volunteers

We respond to your request for legal services dated January 21, 2026 requesting an opinion on the questions present below.

1. When County funds support construction that uses volunteer labor, such as Habitat for Humanity or Mennonite Disaster Services, do any prevailing wage requirements apply? Please explain.

To date, Corporation Counsel is not aware of any County grant funds that have been awarded to LCLT for construction, only for acquisition and insurance gap financing.

Under HRS §104, prevailing wage standards applies to "every contract in excess of \$2,000 for construction of a public work project to which a governmental contracting agency is a party". However, there is a narrow exemption for experimental and demonstration housing developed pursuant to HRS §46-15 or housing developed pursuant to HRS §201H, if the cost of the project is less than \$500,000, and the eligible bidder or eligible developer is a private nonprofit corporation (HRS §104-2(a)). This exemption creates a potential pathway for nonprofit organizations to utilize volunteer labor on smaller affordable housing projects without triggering prevailing wage obligations.

The safest approach is to seek advance written guidance from the Director of the Hawaii Department of Labor and Industrial Relations (DLIR) regarding the specific project before proceeding.

2. If any requirements apply, please describe the compliance steps you recommend for a County-funded project that uses volunteer labor, including the documentation needed, if any.

If HRS §104 applies, contractors, subcontractors and nonprofit organizations managing volunteers must submit certified payroll records for monitoring and compliance.

3. When County funds support construction that uses volunteer labor, does the County incur any liability for the project or for volunteer workers, including injury, workers' compensation, and related insurance coverage? Please also address any labor union concerns, including whether use of volunteer labor could trigger objections, disputes, or other risks, and what steps you recommend to reduce those risks.

When County funds support construction projects using volunteer labor, the County faces potential liability exposures related to workers' compensation, tort claims, and labor relations issues that require risk management.

Risk management steps for consideration:

- 1) Obtain advance written guidance from the DLIR Director regarding whether HRS §104 prevailing wage requirements apply to the specific project and whether volunteers must be paid prevailing wages or can be exempted. Document this guidance carefully as evidence of good faith compliance efforts.
- 2) Ensure all volunteers sign written acknowledgments of their volunteer status, understanding that they will receive no compensation and limited workers' compensation coverage, and that they assume certain risks of injury as evidence of informed consent.
- 3) Require the contractor or nonprofit organization managing volunteers to maintain comprehensive general liability insurance and volunteer accident insurance with the County named as an additional insured, with minimum coverage limits appropriate to construction risks.
- 4) Consult with relevant labor unions before proceeding to gauge potential objections and explore whether accommodations can address union

Yuki Lei K. Sugimura, Chair
BFED Committee
February 17, 2026
Page | 3

concerns, such as limiting volunteer work to specific non-skilled tasks or ensuring the project does not displace union workers.

APPROVED FOR TRANSMITTAL:



KRISTIE M. WRIGGLESWORTH
Deputy Corporation Counsel

LF2025-0169
BFED-20(24) Bill 4 (2026) Response Memo to Chair Sugimura re use of volunteers.docx

BFED Committee

From: Kristie M. Wrigglesworth <Kristie.Wrigglesworth@co.maui.hi.us>
Sent: Tuesday, February 17, 2026 8:18 AM
To: BFED Committee
Cc: Melody A. Andrion
Subject: BFED-20(24) Bill 4 (2026) Response Memo to Chair Sugimura re use of volunteers (2025-0169)
Attachments: BFED-20(24) Bill 4 (2026) Response Memo to Chair Sugimura re use of volunteers_Closing.PDF

Dear BFED Committee,

See the attached memorandum in response to the request for legal services received on January 21, 2026.

Mahalo,
Kristie

***Department of the Corporation Counsel emails may contain attorney-client privilege information and should not be forwarded without approval.

Kristie Wrigglesworth
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
200 So. High Street, 3rd Floor
Wailuku, HI 96793
Office (808) 270-7588
Kristie.Wrigglesworth@co.maui.hi.us

This message is covered by the Electronic Communications Privacy Act, Title 18, United States Code, 2510-2521. This e-mail and any attached files are deemed privileged and confidential, and are intended solely for the use of the individual(s) or entity to whom this e-mail is addressed. If you are not one of the named recipient(s) or believe that you have received this message in error, please delete this e-mail and any attached files from all locations in your computer, server, network, etc. and notify the sender IMMEDIATELY at (808) 270-7588. Any other re-creation, dissemination, forwarding or copying of this e-mail and any attached files is strictly prohibited and may be unlawful. Receipt to anyone other than the named recipient(s) is not a waiver of any attorney-client, work product, or other applicable privilege. E-mail is an informal method of communication and is subject to possible data corruption, either accidentally or intentionally. Therefore, it is normally inappropriate to rely on legal advice contained in an e-mail without obtaining further confirmation of said advice.